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The meeting was called to order at 10.10 a.m.

The meeting was suspended at 10.10 a.m. and resumed at 10.30 a.m.

Agenda item 85: The rule of law at the national and international levels (A/65/318)

1. **The Deputy Secretary-General**, introducing the report of the Secretary-General (A/65/318), said that the rule of law was a broad and complex concept, embedded in the history of all cultures and nations, as well as in the long-standing efforts of States to create an international community based on law. Strengthening the rule of law was central to achieving the vision of the United Nations for a just, secure, and peaceful world. It was linked to critical goals such as poverty reduction and sustainable human development, as well as to peacebuilding and peacekeeping, accountability for gross violations of human rights, and combating organized crime and terrorism. It was also integrally tied to global governance, the theme of the Presidency of the ongoing General Assembly session.

2. To help the Sixth Committee focus its deliberations, the annual report of the Secretary-General on strengthening and coordinating United Nations rule of law activities (A/65/318) provided an overview of the extensive efforts undertaken by the United Nations. The Committee's engagement had been crucial to maintaining international attention. With its support, the Organization was refining its understanding of the rule of law at the international level. The recent attention by the Security Council was also timely and welcome.

3. The past year had witnessed the importance of international judicial and non-judicial mechanisms that promoted compliance with international law and contributed to conflict prevention as well as efforts to combat impunity. Those mechanisms, however, required further strengthening. At the 2010 Review Conference of the Rome Statute, States had reaffirmed their commitment to its full implementation. Moreover, they had reaffirmed that international justice was complementary to national justice. The international community needed to contribute more to positive complementarity by further reinforcing or developing national capacity to combat impunity. She encouraged those Member States that had not done so to accede to major international instruments, including two that marked important anniversaries in 2011: the 1951 Convention on the Status of Refugees and the 1961 Convention on the Reduction of Statelessness.

4. Further, the implementation of international norms at the national level remained a critical challenge. It was most welcome that the debate in the Committee was focusing on the subtopic of the laws and practices of Member States in implementing international law.

5. The 2010 report sought to contribute to the debate by sharing the experiences of United Nations mechanisms and approaches, such as model laws, peer reviews, and treaty-based periodic reviews, that had positively affected implementation by Member States. Those experiences showed that States were being assisted in their domestic implementation of standards by increased linkages between monitoring and review mechanisms and by targeted capacity-building and technical assistance. The Secretary-General's report also provided an update on efforts to enhance the coherence and coordination of United Nations rule of law activities.

6. The United Nations had come a long way since Member States, in the 2008 World Summit Outcome, had requested that States and the Organization itself should strengthen their attention to the rule of law. The United Nations assisted national authorities in more than 125 Member States in every region of the world and in all contexts, from conflict prevention to peacekeeping to development. In about 60 countries, at least three United Nations entities were engaged in such support. Five or more entities were carrying out activities in more than 35 countries, 17 of which hosted United Nations missions engaged in peacemaking, peacekeeping and peacebuilding. The overall trend was towards joint and comprehensive initiatives by key operational entities, particularly in conflict and post-conflict States. Joint efforts were being undertaken by the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the High Commissioner for Human Rights, the United Nations Development Programme (UNDP), the United Nations Office on Drugs and Crime and other bodies in Haiti, the Democratic Republic of the Congo, Guinea-Bissau and elsewhere. At the regional and subregional levels, the United Nations was partnering with others to increase capacities to effectively tackle transnational organized crime and corruption. The West African Coast Initiative was one such example.

7. The Rule of Law Resource and Coordination Group, chaired by the Deputy Secretary-General, brought together nine United Nations entities and had made steady progress in implementing its first Joint Strategic Plan covering the period 2009 to 2011. Recent achievements included the development and issuance by the Secretary-General of a common approach to transitional justice. Steps were also being taken to enhance common approaches to complex issues such as land tenure, sexual violence and informal justice systems. In two target countries, Liberia and Nepal, a joint United Nations programme was being developed to achieve more strategic and coordinated delivery of rule of law assistance in support of and in cooperation with national actors. Increasing the visibility of United Nations efforts in those countries and ensuring the availability of financial and other resources were critical objectives.

8. Also in the year 2010, leaders from a range of developing and post-conflict countries had gathered to review the effectiveness of rule of law assistance from their national perspectives. Despite the diversity of countries and expertise, a consensus had emerged on the imperative of prioritizing national capacity and ownership in order to manage reform across the many complex institutions that contributed to the rule of law. The need to better address issues related to traditional and informal justice systems had also been emphasized.

9. The most recent outcome of the Joint Strategic Plan was to support Member States in holding a high-level event of the General Assembly to reiterate Member States' commitment to the rule of law at the national and international levels. It had been five years since Heads of State and Government had discussed the matter. A high-level event would allow for a review of what more needed to be done, and the Secretary-General therefore welcomed that initiative.

10. Despite the progress, critical gaps and challenges continued to present themselves. Steadfast support from Member States was needed to address them. Since 2006, the United Nations system had enhanced its capacities, including through the recent establishment of the Standing Justice and Corrections Capacity alongside the Standing Police Capacity in the Department of Peacekeeping Operations. UNDP had launched global programmes on the rule of law and access to justice in its Bureau for Crisis Prevention and Recovery and its Bureau for Development Policy. The deployable mediation team of the Department of Political Affairs had provided advice on rule of law issues, such as constitution-making.

11. Still, the financial resources allocated for strengthening the rule of law had fallen short, especially when compared to statements by Member States about the importance they attached to that issue. More needed to be done to enable the Organization to better recruit, train and retain high-quality personnel and deploy them in a rapid and predictable manner.

12. The external environment, which included donors and providers of bilateral assistance, remained fragmented. That crowded field spanned the legal, development, security and political disciplines. Recipients of assistance were not sufficiently part of policy discussions on the rule of law. It was time to think creatively about developing a global forum for dialogue among all stakeholders. In order to ensure early and strategic responses, more consistent and comprehensive needs and threat assessments in close cooperation with national actors were required. A strategic, system-wide and sector-wide approach needed to be taken, which would embrace security sector reform and equal attention to all components of the civil and criminal justice system, including prisons. Better and ongoing monitoring was also required to evaluate the impact of those efforts.

13. Finally, the United Nations needed to be ready to address the political and institutional aspects of rule of law development. The rule of law was linked to sovereignty, control over the use of force and resources and other sensitive matters. She thanked Member States for their generous contributions, which helped sustain what had been set in motion, and looked forward to doing even more to realize the United Nations vision of a world governed by the rule of law.

14. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the delayed publication of the Secretary-General's report (A/65/318) was cause for serious concern, as it adversely affected the deliberations of the Committee. He requested assurances from the Secretariat that such a delay would not occur in the future. He asked the Bureau to provide delegations that were not ready to express their positions with an opportunity to do so later in the session before concluding the discussion on the agenda item.

15. **Mr. Charles** (Trinidad and Tobago) concurred and noted that delays in the publication of reports posed a particular difficulty for small delegations.

16. **The Chairperson** said that the Bureau would announce when the debate on the agenda item could be resumed.

17. *It was so decided.*

18. **Mr. Janssens de Bisthoven** (Belgium), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, Azerbaijan and Ukraine, said that the European Union welcomed the adoption of General Assembly resolution 64/116 and the inclusion of the rule of law as a standing item on the agenda of the General Assembly and of the Sixth Committee. The laws and practices of Member States in implementing international law were an important aspect of the item at hand.

19. The European Union was an organization based on successive international treaties and thus had experience in the implementation of its founding treaties by the Member States and had developed its own legal system. The entry of the Treaty of Lisbon into force had reaffirmed respect for the rule of law as an integral part of the European Union's legal system and a guiding principle for its action on the international scene.

20. Respect for the rule of law was an essential condition for peace and stability, while legal empowerment of the poor was an effective tool in the eradication of poverty. International law and the rule of law were the foundations of the international system, with the United Nations at its core, and the European Union welcomed efforts to strengthen the rule of law within the Organization itself.

21. States had a fundamental responsibility towards everyone within their jurisdiction to protect human rights and fundamental freedoms. For its part, the European Union had reaffirmed internationally recognized human rights standards within its own legal order through the Charter of Fundamental Rights, which was expressly recognized by the Treaty of Lisbon. European Union citizens were provided with the necessary guarantees of the right to an effective judicial remedy before the European Union's judicial institutions when they were affected by measures taken by European Union institutions.

22. At the international level, the European Union attached great importance to strengthening international criminal justice and called on all States Members of the United Nations to ratify or accede to the Rome Statute and implement it in their national legal order, and on States parties to the Statute to enforce decisions of the International Criminal Court.

23. The European Union supported the initiatives set out in the last two reports of the Secretary-General (A/64/298 and A/65/318) and the critical work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit, and it underlined the importance of providing the Unit with needed resources. The European Union supported the convening of a high-level meeting of the General Assembly on the rule of law as suggested in the Joint Strategic Plan 2009-2011 published by the Group.

24. The European Union supported United Nations efforts to promote the rule of law at the national level and itself was engaged in similar efforts, such as encouraging the integration of international norms and standards through bilateral dialogues and cooperation agreements, assisting post-crisis countries in rebuilding judicial structures and integrating the rule of law component in its civilian crisis management operations.

25. **Ms. Revell** (New Zealand), speaking on behalf of the CANZ group of countries (Canada, Australia and New Zealand), said that the rule of law was essential to achieving the security, human rights and development goals of the United Nations. Common law countries needed to translate international legal obligations into domestic legislation, which in turn needed to be fully implemented to allow for peaceful coexistence, cooperation and development of relations between States.

26. The CANZ group of countries valued the work of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in assisting Member States in formulating legislation and policies to reflect international law instruments and principles. Improved technical assistance was valuable in supporting the rule of law, and the CANZ group of countries supported the work of the Commonwealth Secretariat in strengthening the capacity of national jurisdictions to implement international legal conventions, combat

corruption and terrorism and strengthen criminal justice systems. The CANZ group of countries encouraged States parties to implement the Rome Statute domestically, and it supported efforts to improve domestic jurisdictions capacity to prosecute serious international crimes.

27. The CANZ countries were active in promoting the rule of law. New Zealand was assisting Pacific and South Asian countries with the domestic implementation of, and compliance with, international counter-terrorism, anti-corruption and anti-money-laundering legal instruments as well as providing training to criminal justice offices and prosecutors. Australia's efforts in the Pacific, South-East Asia and Africa additionally focused on modernizing legislation and aiding the implementation of international instruments pertaining to transnational crime. A national framework document released in the summer of 2010 established priorities and principles for engagements with the Pacific region aimed at strengthening the rule of law and promoting access to justice and human rights.

28. For its part, Canada was a strong supporter of the international criminal justice system and was also engaged in strengthening the rule of law in Afghanistan, having provided substantial funding for the reform of the Afghan National Police and the operation of the justice and corrections sectors. It was pursuing a national action plan implementing Security Council resolutions 1888 (2009) and 1889 (2009) on women and peace and security by engaging with multilateral partners in conflict-affected contexts. It also supported the updating of a guide to human rights law with regard to the protection of children in armed conflict in accordance with Security Council resolution 1612 (2005).

29. The CANZ countries recognized the need for effective assistance to support States in the domestic implementation of international legal norms and standards to ensure effective and multilateral engagement based on the rule of law.

30. **Mr. Al Habib** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that it was crucial to maintain a balance between the national and international dimensions of the rule of law. To ensure that international relations were based on the rule of law, certain elements were essential. All States should have the opportunity to participate in international law-making processes. All States should comply with their obligations under both treaty law and customary international law. The selective application of international law must be avoided. The legitimate and legal rights of States under international law must be respected. Lastly, the cornerstone of the rule of law at the international level was the principle of the prohibition of the threat or use of force and the peaceful settlement of disputes.

31. The Non-Aligned Movement encouraged States to resort to the mechanisms established under international law for the peaceful settlement of disputes, including the International Court of Justice and treaty-based courts such as the International Tribunal for the Law of the Sea, as well as arbitration. It called upon the General Assembly and the Security Council to make use, whenever appropriate, of their right under article 96 of the Charter to request advisory opinions on legal questions from the International Court of Justice.

32. All States should fulfil their obligation to promote the observance and protection of all human rights and fundamental freedoms in accordance with international law. The purposes and principles of the Charter, and the principles of international law were paramount in achieving peace and security, the rule of law, economic development and social progress, and human rights. Members of the Non-Aligned Movement remained concerned at the use of unilateral measures, given their negative impact on the rule of law and international relations.

33. The Movement underscored the need for Member States to fully respect the functions and powers of each principal organ of the United Nations, especially the General Assembly, and to maintain the balance among them. Close cooperation and coordination among all the principal organs was essential. The Movement remained concerned that the Security Council was encroaching on the functions and powers of the General Assembly and the Economic and Social Council by taking up issues within the competence of those two organs.

34. The General Assembly must play a leading role in promoting efforts to ensure respect for the rule of law. The international community must not, however, supplant the national authorities in their task of establishing or strengthening the rule of law. Assistance and cooperation should be provided at the

request of Governments and strictly within the respective mandates of the United Nations funds and programmes. Account should be taken of the customs and the political and socio-economic features of each country, and the imposition of pre-established models should be avoided. Appropriate mechanisms should be established to enable Member States to keep abreast of the work of the Rule of Law Unit and to ensure regular interaction between the Unit and the General Assembly. He welcomed the new system of administration of justice in the United Nations and supported initiatives to hold United Nations personnel accountable for misconduct during a deployment on mission.

35. Lastly, he expressed grave concern over the failed coup d'état against the Government of Ecuador and reiterated the Movement's full support for the consolidation of the new political, economic and social structure under the political authority of the legitimately elected Government of the constitutional President of Ecuador, Rafael Correa; it called on the international community to do the same.

36. **Mr. Christian** (Ghana), speaking on behalf of the Group of African States, said that the rule of law was crucial to the maintenance of stability, peace and security and was conducive to good governance. A fair and equitable international legal order must be ensured: to that end, various international institutions, including the Security Council, needed urgently to be reformed so as to be more representative of Member States and to give their decisions greater legitimacy in the eyes of the international community.

37. International law could not be effective without domestic implementation. The African Group called upon States to ensure not only that international law took into account the needs of more vulnerable States, but also that it was effectively implemented in domestic legal systems. The fundamental principle of equality before the law must be scrupulously adhered to, and the use of double standards must be avoided.

38. Capacity-building was key to ensuring the implementation of international law in domestic legal systems. He noted with satisfaction the activities of the Rule of Law Unit and encouraged the Unit to explore initiatives that would enable donors, recipients and other entities involved in financing rule of law activities to work in a more coordinated manner. The African Group stood ever ready to support the Rule of Law Unit in developing more effective mechanisms to assess the impact of its rule of law activities and to harmonize the various monitoring mechanisms used by United Nations agencies.

39. The African Union Commission on International Law had been established in May 2010 to promote the codification and progressive development of international law and a better appreciation of the role of international law in the achievement of States' development objectives. The United Nations should explore the prospect of working with that Commission and African academic institutions, with a view to building the capacity of African Member States in the teaching, study, dissemination and wider appreciation of international law. Capacity-building activities should be carried out on the basis of effectiveness and local or national ownership in determining needs and priorities. Lastly, the proposal to hold a high-level segment of the General Assembly meeting on the rule of law in 2011 merited serious consideration.

40. **Mr. Kleib** (Indonesia), speaking on behalf of the Association of Southeast Asian Nations (ASEAN), said that the ASEAN Charter reaffirmed the commitment of all ASEAN member States to the principles of the rule of law, good governance, democracy, and constitutional government, and to the upholding of the United Nations Charter and international law. Accordingly, in April 2010, ASEAN had adopted a protocol to the ASEAN Charter on dispute settlement mechanisms. ASEAN member States were currently developing the rules for referral of unresolved disputes to the ASEAN Summit and other rules to enhance the relevant legal framework, and the ASEAN Intergovernmental Commission on Human Rights (AICHR) would be inaugurated shortly. ASEAN was committed to creating a community of South-East Asian nations grounded upon a commitment to the rule of law at the national, regional and international levels.

41. **Ms. Quezada** (Chile), speaking on behalf of the Rio Group, said that the same basic notion that informed the understanding of the rule of law at the international level constituted Member States' common understanding of the concept at the national level: societies must be governed by agreed values and by principles and norms created through predictable and recognized processes. The essence of the rule of law at the national level was full respect for human rights and fundamental freedoms.

42. In practice, it was difficult to draw a sharp distinction between the rule of law at the international and national levels. The link between the two was best exemplified through the cooperation of States in making international law work, notably by means of domestic implementation of international obligations, which was a necessary condition for the consolidation of the rule of law at the international level. At the same time, in a mutually reinforcing process, the implementation of international norms and standards at the national level helped to strengthen national rule of law institutions.

43. The Rio Group welcomed and supported the Secretary-General's view that national perspectives should be at the centre of United Nations rule of law assistance. In order to be successful, any programme aimed at strengthening the rule of law at the national level must reflect an in-depth understanding of the local socio-political context and needs. "Local ownership" was not a self-evident concept, however, and needed to be clarified in each situation through capacity-building and technical assistance. The Rio Group therefore welcomed the efforts to build partnerships and engage national stakeholders, donors and the United Nations in a pluralistic dialogue.

44. As overall coordination was key to the success of United Nations rule of law activities, the Rio Group also welcomed the establishment of the Rule of Law Coordination and Resource Group and supported the idea of holding a high-level meeting of the General Assembly on the rule of law. Such a gathering would provide the opportunity for Member States to explore ways of improving coordination, promoting dialogue and reiterating their commitment to the rule of law.

45. Regional integration agreements and mechanisms such as the Rio Group played a significant role in furthering the rule of law within their member States. The Governments of the Rio Group reaffirmed their strong commitment to the preservation of democratic institutions, the rule of law, the constitutional order, social peace and full respect for human rights. They would not tolerate any challenge to the institutional authority of legitimately elected officials, and they therefore condemned the recent attempted coup d'état against the President of Ecuador and supported legal action to bring those responsible to justice.

46. **Mr. Barriga** (Liechtenstein) noted with satisfaction the results achieved by the Rule of Law Coordination and Resource Group and the Rule of Law Unit in improving the effectiveness of activities to strengthen the rule of law worldwide. His delegation furthermore supported the approach taken by the Group and the Unit which involved providing substantive guidance on key rule of law issues as well as a forum for coordination.

47. The United Nations was uniquely placed to facilitate knowledge transfer and to provide capacity-building at the request of States. Rule of law assistance promoted the domestic implementation of international human rights law and criminal justice standards, while also playing a crucial role in conflict prevention, peacebuilding and sustainable development. He therefore looked forward to the results of the pilot country exercise.

48. Noting that the assistance-related challenges outlined in the Secretary-General's report (A/65/318), which were especially worrying at a time when donor countries, facing budgetary constraints, were under pressure to downsize some of their assistance programmes, he supported the efforts made by the Group and Unit to expand partnerships and to maximize coordination. In the long term, it was hoped that the Group and the Unit would play a central role in promoting donor coherence and the perspective of recipient countries in rule of law assistance worldwide. He also supported the call for a high-level meeting on the rule of law.

49. While progress had been made in recent years on strengthening the rule of law at the institutional level, the conceptual question of the Organization's relationship to international human rights law remained unaddressed. The time had come to align the law applicable to the United Nations with relevant developments in international law. Such an exercise must necessarily take into account the specific nature of the Organization, including the mandate of the Security Council under the Charter.

50. The Secretary-General's report usefully highlighted the role of international and hybrid courts and tribunals. The fact that international adjudication remained the exception, rather than the rule, however, raised questions of capacity within international and hybrid institutions, and above all at the national level. While the work of the International Criminal Court had had a catalytic effect on the strengthening of domestic criminal justice systems, the Court itself had no direct

role in capacity-building. Within the United Nations system, no entity was clearly designated as the leading provider of assistance to strengthen domestic capacity to investigate the most serious crimes under international law. Relevant assistance was not simply a matter of post-conflict peacebuilding, but of prevention of crimes and conflict. The United Nations Office on Drugs and Crime was well placed to take a leading role in that regard; he suggested that the Rule of Law Coordination and Resource Group should examine the issue and make relevant recommendations.

51. **Ms. Rodríguez-Pineda** (Guatemala), referring to paragraph 52 of the report, said that in its three years of existence the International Commission against Impunity in Guatemala had posted significant successes in its areas of responsibility, including prosecution of paradigm cases, technical training and the promotion of legislation to enhance the State's capacity to end impunity for crimes committed by illegal security forces and clandestine security organizations. Nonetheless, despite the signing of the Agreement on a Firm and Lasting Peace in 1996, such groups not only had continued to operate with impunity but had evolved into organized crime structures, forming symbiotic relationships with transnational organized crime groups.

52. The International Commission was a novel and effective model for institutional strengthening that had helped to professionalize Guatemala's national institutions. Nevertheless, the Commission's main national counterpart, the Office of the Public Prosecutor, required further strengthening and capacity-building in order to ensure that it would be able to continue investigating and prosecuting cases after the Commission's mandate had ended.

53. The development of a culture of tolerance, respect for the rule of law and rejection of impunity called for collective efforts. Initiatives aimed at promoting the rule of law must be adequately funded and equipped to enable them to fulfil their mandate. Indeed, the Commission's successes would not have been possible without the support of the international community, in particular the countries that contributed financially to the Commission's work. Those countries and the United Nations had invested in an initiative that had yielded tangible results. Most importantly, the Commission had shown that it was possible to fight impunity in Guatemala.

54. Her delegation supported the work of the Rule of Law Coordination and Resource Group and urged the United Nations to continue promoting and strengthening the rule of law throughout the world.

55. **Mr. Nikolaichik** (Belarus) said that his country actively participated in international law-making and the progressive development and codification of international law. The effort to strengthen and coordinate United Nations rule of law activities had significant potential for increasing transparency at the United Nations and for clearly identifying the needs of all Member States.

56. Increasing the international law component in the decision-making process of United Nations bodies would raise the authority of international law as a whole. His delegation viewed positively the wider use of the International Court of Justice and other international courts, whose role was both to ensure the civilized settlement of disputes and the clarification and interpretation of the norms of international law by leading experts. The politicization of such courts, however, could undermine their authority and effectiveness, the commitment of States to peaceful dispute resolution based on international law and the principle of the rule of law itself.

57. Belarus stringently observed its obligations under international law, as evidenced by the embodiment of generally accepted principles of international law in its Constitution and key national legislation. One of those was the peremptory principle of *pacta sunt servanda*, the observance of which must not be affected by the differing conceptual views of States on the relationship between domestic and international law or on the concrete practices of States in implementing their obligations under international law. His country's domestic law on international treaties, adopted in 2008, set out the modalities of treaty accession, implementation, suspension and withdrawal. Legal norms contained in international instruments to which Belarus was a party were incorporated into national legislation and were directly applicable, with the exception of cases where the prior adoption of a domestic legal instrument was necessary for the application of certain norms.

58. While the primary responsibility for implementing international instruments lay with Member States, the United Nations should search for more effective methods of providing appropriately tailored support for that endeavour. In that regard, the

sharing of knowledge among international legal scholars was especially important.

59. **Ms. Flores** (Honduras) said that justice was an essential element of the rule of law. Legal certainty built on a foundation of grave violations of justice and human rights was an aberration. The Sixth Committee had a responsibility to ensure that any norms developed within the United Nations on the subject reflected a commitment to justice, responded to needs and realities at the national level and served the common good. If laws were outdated or at odds with social objectives, they became unjust, ineffective and difficult to enforce. The law could not be seen as something hermetically sealed, impervious to the natural evolution of societies. Rather, like human beings themselves, it must adapt to changes in the environment. In order to ensure that the concept of justice was enshrined in the law, States should enhance the efficiency of the legislative process, adapting legislation to social needs and anticipating future contingencies.

60. The rule of law had been a prominent topic of discussion at the recent High-level Plenary Meeting of the General Assembly on the Millennium Development Goals. The primary aim of that event had been the achievement of economically and socially just societies for current and future generations, an objective that could not be reached without a solid legal foundation. Indeed, the resolution adopted during the High-level Plenary Meeting had affirmed the importance of freedom, peace and security, and respect for all human rights, including the right to development and the rule of law. Her delegation welcomed the inclusion in that resolution of policies aimed at legally empowering women in order to give them greater equality of opportunity for participation in policymaking and legislative processes, local decision-making, land ownership and access to financing.

61. The magnitude of the challenge of ensuring legal equality for the poorest and most vulnerable population groups could not be underestimated. It would never be possible to meet that challenge in the absence of action by the State to uphold the rights of such groups, including protecting them from the informal justice mechanisms that governed the day-to-day lives of the poor in many developing countries. The Rule of Law Unit had a valuable role to play in addressing that situation through the coordination of cooperation programmes in the area of law and social justice, as did the United Nations Development Programme in its work with respect to justice and global security.

62. **Ms. Matapo** (Zambia) said that promotion of and respect for the rule of law at both national and international levels was crucial to sustainable development, the protection of human rights and the establishment of effective, efficient and independent judicial systems and good governance. In order to promote adherence to the rule of law, it was imperative for States to develop legal and institutional frameworks that were clear and consistent in their application and were well-structured, financed and equipped. They must be administered by appropriately trained staff and must be held accountable.

63. To foster the rule of law at the national level, her Government had established several oversight institutions, including a Human Rights Commission, which ensured the accountability of public, judicial and law enforcement officers and promoted fairness in the application of the law. Other measures included a programme designed to ensure access to justice for people in vulnerable situations, the incorporation of human rights education in the training of law enforcement personnel and the enactment of a whistleblower act, which enhanced accountability by enabling people to disclose unlawful or irregular conduct by public officials or by their employers, without fear of reprisal. Zambia had also enacted the Forfeiture of Proceeds of Crime Act, which, inter alia, domesticated the United Nations Convention against Corruption.

64. Zambia would hold presidential and general elections in 2011, another testament to its adherence to the rule of law. The international community was welcome to observe the elections. Despite the aforementioned efforts, however, implementation of the rule of law remained a challenge owing to scarcity of resources to support the relevant institutions and mechanisms and enable capacity-building and the expansion and modernization of the legal infrastructure, particularly at the local level and in rural areas. Her Government therefore called upon the United Nations and bilateral partners to render technical assistance to enable the country to strengthen its capacity for the implementation of international norms and standards at the national level.

65. **Ms. Taratukhina** (Russian Federation) said she deplored the late issuance of the Secretary-General's

report and expressed the hope that such documents would in future be made available in a timely fashion.

66. Her delegation welcomed the activities carried out by the United Nations to promote the rule of law at the national level through the development of a comprehensive rule of law strategy, support for the establishment of civil society institutions and targeted measures to assist populations in conflict and post-conflict areas, including administration of justice in transitional periods, campaigns to raise legal literacy and improvement of conditions in penitentiary institutions.

67. It was Governments that had the competence to determine the means for putting international standards into domestic practice, if such standards did not themselves set out such procedures. The Russian Federation had a great deal of experience in that area. On the basis of its Constitution, particularly article 15 thereof, it had adopted a large body of legislation and regulations for the implementation of international standards and treaties. Her Government approached each international instrument from the standpoint of its specific features, choosing the most appropriate tools for its implementation. For example, it viewed the sanctions set out in Security Council resolutions as fixed measures that must be applied exactly as envisaged by the Security Council.

68. Her Government was therefore uncomfortable with any attempts at broadening the interpretation of sanctions during their implementation at national level. The true purpose of national implementation of legal norms that had been agreed on through negotiation and compromise at the international level was not the creation of a new regime, but their incorporation as such, and within their own parameters, into a national legislative regime.

69. **Mr. Karanouh** (Lebanon) said that the United Nations had been established in order to preserve international peace and security. For that reason, Chapter IV of the Charter provided for the pacific settlement of disputes. However, that principle had been applied only selectively. Such a state of affairs blatantly contravened the rule of law. It created the perception that the international community was unable to prevent certain States from violating national and territorial sovereignty or the right to self-determination. When some States appeared to be above international law, the image and effectiveness of the United Nations suffered. His country had a right, indeed a duty, to question the selectivity underlying the implementation of resolutions, imposition of sanctions and prosecution of crimes against humanity, and the enforcement of judgments of the International Court of Justice.

70. The equality of States was a cornerstone of the rule of law. However, the international system had undergone substantial change since the establishment of the Organization. The time had come to review the composition of the Security Council, which pressed for democracy and justice, and should therefore make its own processes more democratic, equitable and fair.

71. Sanctions were another means to preserve international peace and security and must therefore be applied in a transparent and equitable manner, in compliance with the Charter and fundamental human rights. The appointment of an Ombudsperson to assist the Security Council Committee established pursuant to resolution 1267 (1999) was therefore a welcome step, as was the recognition of humanitarian exceptions. However, further action would be required; counter-terrorism activities could not come at the expense of human rights.

72. His delegation welcomed the role of the United Nations in defending civilian victims of war and hoped that the Organization would be steadfast in confronting the violations committed against the Palestinian people. Lebanon appreciated the role of the Organization in building capacities and helping to consolidate good governance, democracy and human rights, all of which were components of the rule of law at the domestic level.

73. International and hybrid courts had been established in order to prosecute the most serious crimes, and hence preserve international peace and security. The Lebanese people hoped that the Special Tribunal for Lebanon would uncover the truth, deliver justice and allow wounds to heal, while eschewing vindictiveness and politicization. International peace and security must be founded on the force of law, rather than the law of force.

74. **Mr. Rodiles Bretón** (Mexico) said that there was an essential interdependence between the rule of law at the international and national levels. Effective implementation of international law required the rule of law at the domestic level, while national rule of law created expectations of international law. The United Nations and other international institutions must take into account local needs while striving to strengthen

the rule of law at the national level, including through technical assistance and other measures relevant to criminal justice and post-conflict situations.

75. The work of the International Criminal Court and other special international tribunals had helped to strengthen the rule of law at the national level. National cooperation was as indispensable as judicial capacity-building at the national level and applied to new challenges, such as piracy, where the strengthening of domestic legal systems was a more long-term solution.

76. The increasing proliferation of international legal obligations posed a number of challenges to effective domestic implementation and to the integrity of international law. It was of the utmost importance to take a comprehensive approach based on the promotion of the rule of law at both the national and the international levels. Specifically, counter-terrorism measures must respect human rights and targeted sanctions should be consistent with due process of law. He echoed other delegations' calls for an effective remedy in such areas. The rule of law offered a general framework of legitimacy with which to face the most diverse global challenges. Mexico thus attached great importance to global legal pluralism.

77. His delegation supported the proposal for a high-level segment of the General Assembly on the rule of law, to be held in 2011. Lastly, he reiterated his Government's full support to the President of Ecuador, and to democracy and the rule of law in that country.

78. **Mr. Gouider** (Libyan Arab Jamahiriya) said that the United Nations should take the most prominent role in upholding international law. In order to be worthy of the name, implementation of the rule of law must be earnest and transparent, eschewing selectivity, double standards and politicization. Nor could it be based on positions incompatible with the principles of sovereignty, equality, justice, the right to development and the peaceful settlement of disputes.

79. The consolidation of the rule of law at the international level required a truly democratic system in which all States could participate in the formulation of binding decisions. The appropriate forum for that process was the General Assembly, the main representative body of the United Nations. Urgent reform was needed in order to reverse the current state of affairs, in which the General Assembly engaged in lengthy discussions of non-binding recommendations. Most Member States had welcomed proposals for reform, including those contained in the report of the High-level Panel on Threats, Challenges and Change (A/59/565). Old entitlements should be replaced with a fair and equitable system. The competences of the General Assembly should be extended, and its resolutions should become binding. The powers and membership of the Security Council should be reviewed in order to ensure accountability and fair representation, in particular for the African continent, in accordance with the Ezulzwini consensus.

80. **Ms. Aitimova** (Kazakhstan) said that her Government would continue to seek to incorporate the most progressive international regulations into its legal system and to place the potential of international law at the service of the Kazakh people. Those priorities were being applied under a policy approved by the President in late 2009. Work would continue to be done to bring national legislation into line with accepted international standards with due regard for their correlation with domestic needs and historical traditions.

81. Kazakhstan had taken steps to promote the rule of law in terms of respect for human rights and freedoms, including by recognizing the competence of the Human Rights Committee. It had ratified over 400 universal conventions and protocols on major international issues and was working to bring its national legislation into line with them.

82. As a country comprising over 126 nationalities, Kazakhstan needed the rule of law and a strong legal system to maintain stability, promote understanding among the various ethnic groups and reduce the possibility of inter-ethnic strife.

83. **Mr. Chekkori** (Morocco) said his country's experience had shown that national efforts to achieve the rule of law benefited from ownership by States of their own reform programmes. The international community had several mechanisms for supporting Member States' work in that area, including by creating opportunities for dialogue with countries that were initiating reforms so as to understand precisely what they needed in terms of capacity-building, specifically of skills and competence, and to avoid duplication of efforts. Morocco expressed its full support for the work done by the Rule of Law Coordination and Resource Group, assisted by the Rule of Law Unit, to improve coordination in that area and considered that the two entities should be given the necessary resources to enable them to carry out those important activities.

84. Morocco had noted with satisfaction the statement in paragraph 89 of the Secretary-General's report that credible and legitimate national leadership was essential and was facilitated by relationships between national and international actors based on trust.

85. The Kingdom of Morocco had embarked on a course of action aimed at consolidating the rule of law, democracy, good governance and sustainable human development while fully respecting the fundamental principles of pluralism, tolerance and diversity, preserving territorial integrity and safeguarding the security of all Moroccan citizens. Moroccan courts had confirmed the primacy of international human rights law over domestic law in a number of judicial decisions. In line with its enduring concern to harmonize its legislation with the international conventions to which it was a party, the Kingdom of Morocco had promulgated a number of laws embodying the principles set out in such instruments.

86. Good governance and the consolidation of the rule of law were impossible unless citizens supported and were involved in the democratic process. One of the guiding principles of the reforms carried out by Morocco was "proximity", referring to the development of mechanisms and tools enabling the Government to meet the real needs of the population, ensuring more harmonious development and better distribution of resources. The objective of proximity obviously required a high degree of popular involvement in governance.

87. A major illustration of the concept of proximity was the National Initiative for Human Development, an action plan for promoting economic, social and cultural rights by placing the human being at the centre of development efforts. By empowering the poor, the vulnerable and those with specific needs, the Initiative would allow them to better assert their rights, thereby contributing to the rule of law.

88. His Government was also pursuing judicial reforms aimed at improving the courts' efficiency and moral integrity and at preserving the dignity and honour of judges and court officials. It was determined to continue modernizing judicial structures and providing them with the necessary human and financial resources to enable them to streamline their working procedures and enhance their performance.

89. **Mr. Eriksen** (Norway) said the incorporation of international norms into national legal systems depended on the constitutional system of each Member State, but the nature of that system was ultimately not decisive: what mattered was full and expeditious compliance by Member States, in their domestic legal order, with their international obligations. In Norway, international law was recognized by the domestic authorities and the courts under what was known as the principle of presumption. That principle safeguarded against any interpretation of national law that might run counter to a relevant international legal obligation, even if the international norm in question had not been transposed into Norwegian legislation. One example was the Norwegian criminal justice sector, where the relevant legislation was subject to such limitations as were derived from international agreements or international law in general.

90. Norway commended the Rule of Law Unit for the technical assistance it provided to Member States to help them meet their international obligations and develop legislation and practices for applying international law effectively. Insufficient capacity and institutional instability could undermine the implementation of treaties and enforcement of domestic legislation. Norway therefore strongly supported the work of the Office of Rule of Law and Security Institutions of the Department of Peacekeeping Operations.

91. In recent years Norway had increased its efforts to strengthen the protection of civilians, especially women and children, against the atrocities of war, with particular focus on sexual violence in connection with the conflict in the Democratic Republic of the Congo. Ending impunity by strengthening national and local judicial systems was a key to combating such crimes. Member States should establish and exercise jurisdiction over transnational criminal acts in order to ensure that suspects did not evade legal proceedings. When a Member State was unwilling or unable to initiate proceedings, there must be a safety net to ensure that justice prevailed. The ad hoc international criminal tribunals and the International Criminal Court were important steps forward in that regard. Recent experience underscored the importance of commissions of inquiry as legal tools to enhance respect for human rights and ensure accountability. In order to prevent conflict and combat impunity, such international mechanisms should be strengthened.

The meeting rose at 1 p.m.